## Misconduct typical process

1<sup>st</sup> Level process: Worker fired; files for UI

Claim filed, obtained limited info re: reason for discharge. >> 1<sup>st</sup> opportunity for worker to tell story.

Form sent to employer asking for details of separation >> 1<sup>st</sup> opportunity for employer to tell story.

Weekly benefit amount determined; weekly claim filed.

Issue identified, case assigned to Adjudicator for fact finding

Notice sent to worker advising date/time of fact finding hearing.

FYI... Is employer's burden to show discharge stemmed from misconduct (substantial disregard for employer's interest; culpable negligence).

Review of response from employer (if received). If form incomplete or not received, another request sent to employer  $>>2^{nd}$  opportunity for employer story.

Hearing held with worker to obtain details of why fired  $>> 2^{nd}$  opportunity for worker story.

FYI... After hearing info gathered from worker and employer reviewed; if substantially different, rebuttal obtained. Otherwise (or after rebuttal) determination issued with appeal rights.

2008 quick facts: 4,724 misconduct determinations issued of which the employer met their burden in 1,574 (33.3%) cases.

## 2<sup>nd</sup> Level process: Appeal filed to ALJ

Hearing scheduled; notice sent to all interested parties (i.e. employer, worker, representative).

FYI... Notice advises parties submit all information for consideration  $>> 3^{rd}$  opportunity (worker and employer).

Telephone hearing held >> 4<sup>th</sup> and final opportunity (worker and employer). **Record set.** 

ALJ decision issued; appeal rights provided.

## 3<sup>rd</sup> Level process: Appeal filed to Board

Hearing scheduled; notice sent to all interested parties (i.e. employer, worker, representative).

In-person hearing held >> record reviewed and decision issued with appeal rights to Supreme Court (filing fee can be waived) worker and employer). Record set.

4<sup>th</sup> Level process: Appeal filed to Supreme Court

Court schedules hearing based on record established during ALJ appeal process. Final decision.